UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
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ART UNIT	PAPER NUMBER
3625	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/797,556	CULLEN ET AL.
Office Action Summary	Examiner	Art Unit	
	Nicholas D. Rosen	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 June 2008*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-95* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-6 and 10-95* is/are rejected.
7)☒ Claim(s) *7-9* is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on *10 March 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *See Continuation Sheet*.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :4/10/2002, 9/2/2004, 5/2/2005, 5/6/2005, 3/10/2006, 4/3/2006, 9/11/2006, 4/19/2007, 5/8/2007, 7/12/2007, 10/11/2007, 11/23/2007, 3/7/2008, 4/7/2008, 6/2/2008, 6/20/2008, and 7/28/2008.

DETAILED ACTION

Claims 1-95 have been examined.

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because it is 176 words long (or

slightly less, depending on how one treats hyphenated words). Correction is required.

See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 25 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite

for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention. Claim 25 as written depends on itself, which is improper and unclear. Claim 25 will be treated for examination purposes as depending from claim 21.

Claims 21-40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In the thirteenth and fourteenth lines of claim 21, "generate a supplier-associated bid request via a parsing of the supplier-associated bid request" is circular, and unclear. The element is presumed for examination purposes to be intended to read, "generate a supplier-associated bid request via a parsing of the buyer-associated bid request".

Claims 41-60 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear whether claims 41-60 should be interpreted as an article of manufacture, or a system, because they recite computer-executable instructions in a computer readable medium, comprising "means for" carrying out steps. If Applicants' intention is to claim a computer-readable medium with programming thereon, more usual language is, "the computer-executable instructions causing a computer to carry out the steps of: doing A; doing B; and doing C."

Claims 73-84 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear whether claims 73-84 should be interpreted as an article of manufacture, or a system, because they recite computer-executable instructions in a computer readable medium, comprising "means for"

carrying out steps. If Applicants' intention is to claim a computer-readable medium with programming thereon, more usual language is, "the computer-executable instructions causing a computer to carry out the steps of: doing A; doing B; and doing C."

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-6, 10-20

Claims 1, 2, 3, 4, 14, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Almstead et al. (U.S. Patent Application Publication 2004/0210490) in view of Scott et al. (U.S. Patent Application Publication 2002/0198818). As per claim 1, Almstead discloses a method of facilitating a project bid process, the method

comprising: generating a buyer-associated bid request (Abstract; paragraph 33); transmitting the buyer-associated bid request to at least one supplier for solicitation of a supplier bid response to be generated with the bid items selections utilized in the buyer-associated bid request (ibid.); generating a supplier-associated bid request utilizing at least a portion of the bid item selections utilized in the buyer-associated bid request (Abstract; paragraphs 33-35, 71, 74-77, and 80-81); and transmitting the supplier-associated bid request to at least one subcontracting entity for solicitation of a subcontracting-entity bid response to be generated with the bid item selections utilized in the supplier-associated bid request (Abstract; paragraphs 33-35, 71, 74-77, and 80-81). Almstead does not disclose that the buyer-associated bid request is generated utilizing at least a portion of a stored bid item list, but Scott teaches generating a request for quote utilizing at least a portion of bid item selections of a stored bid item list (paragraphs 19, 20, and 42). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to generate the buyer-associated bid request this way, for such obvious advantages as assisting the buyer in quickly producing a bid request, generating a bid request for products which are likely to be in fact available, and directing the bid request to suppliers capable of supplying the desired product.

As per claim 2, Almstead discloses receiving buyer-associated bid request data from the buyer for the buyer-associated bid request (Abstract; paragraph 8). Almstead does not disclose storing the buyer-associated bid request data within fields associated with at least a portion of the bid item selections, but Scott teaches fields associated with

at least a portion of the bid item selections, and storing buyer-associated bid request data in such fields (paragraphs 36-43). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to store the buyer-associated bid request data within fields associated with at least a portion of the bid item selections, for at least the obvious advantages of assisting in creating or modifying a bid request, and making the bid request data conveniently available to suppliers.

As per claim 3, Almstead discloses receiving the supplier bid response (e.g., paragraph 74), but does not expressly disclose that the supplier bid response includes bid response data within fields associated with at least a portion of the bid item selections utilized in the buyer-associated bid request. However, Almstead does disclose bid response data associated with at least a portion of bid item data in the buyer's bid request (e.g., paragraphs 9 and 74), and Scott teaches fields, as set forth with regard to claim 2 above, making it obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to include the bid response data within associated fields, for at least the obvious advantage of making the relevant bid response data easy to locate.

As per claim 4, Almstead discloses receiving the subcontracting-entity bid response, wherein subcontracting-entity bid responses area associated with at least a portion of the bid item selections from the bid request (paragraphs 40-43) and Scott teaches fields, as set forth with regard to claim 2 above, making it obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to

include the bid response data within associated fields, for at least the obvious

advantage of making the relevant bid response data easy to locate.

As per claim 14, Almstead discloses receiving the subcontracting-entity bid

response (paragraphs 40-43); and receiving the supplier bid response (ibid.); this

implies receiving a supplier bid award and transmitting a purchase requisition to the

supplier, then transmitting a parsed purchase requisition to the subcontracting entity,

wherein the parsed purchase requisition is a subset of the purchase requisition, for the

obvious advantage of enabling a general contractor or similar entity to receive a

contractor, and select and make arrangements for subcontractors to complete their

parts of the work, as set forth by Almstead (paragraph 3).

As per claim 20, Almstead discloses receiving supplier-associated bid request

data from the supplier for the supplier-associated bid request, wherein the supplier-

associated bid request data is selected from the buyer-associated bid request data

(Abstract; paragraphs 34-35, and 71-77). Almstead does not expressly disclose storing

the supplier-associated bid request data within fields associated with at least a portion

of the bid item selections utilized in the buyer-associated bid request, but Scott teaches

fields, as set forth with regard to claim 2 above, making it obvious to one of ordinary skill

in the art of electronic commerce at the time of applicant's invention to store the bid

request data within associated fields, for at least the obvious advantage of making the

relevant bid request data easy to locate.

Claims 5, 6, 11, and 13 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Almstead and Scott as applied to claim 4 above, and further in view

of official notice. As per claim 5, Almstead discloses transmitting the supplier bid

response to the buyer upon completion (paragraph 74), but does not expressly disclose

that this is upon completion of all required ones of the fields by the supplier. However,

official notice is taken that it is well known for online forms to have fields to be filled out,

and to be transmitted upon completion of required forms. Hence, it would have been

obvious to one of ordinary skill in the art of electronic commerce at the time of

applicant's invention to transmit the supplier bid response to the buyer upon completion

of all required ones of the fields by the supplier, for at least the obvious advantage of

assuring that all necessary information is included.

As per claim 6, Almstead discloses transmitting the subcontracting entity bid

response to the supplier upon completion (paragraphs 40-43); the rest is obvious for the

reasons set forth above with regard to claim 5.

As per claim 11, Scott teaches selecting at least one entity to receive a bid

request (paragraph 69), and official notice is taken that it is well known to use relevant

data to make decisions. E.g., if the buyer-associated bid request data included a

requirement for plumbing work, it would have been obvious to a general contractor to

select plumbing subcontractors; and if buyer-associated bid request data included a

requirement for electrical work, it would have been obvious to a general contractor to

select electrician subcontractors. Hence, it would have been obvious to one of ordinary

skill in the art of electronic commerce at the time of applicant's invention to select the at

least one subcontracting entity to receive the supplier–associated bid request using the

supplier–associated bid request data, for the obvious advantage of selecting

appropriate subcontracting entities, based on their qualifications to supply the desired products or services.

As per claim 13, Scott teaches that choice of a supplier can depend on the supplier's history (paragraph 70), and official notice is taken that it is well known to maintain history information associated with entities. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to maintain subcontracting-entity information associated with the at least one subcontracting entity, for the obvious and implied advantage of being able to judge the entity by its history; and to compare the supplier-associated bid request data with the subcontracting-entity information to select the at least one subcontracting entity, for the obvious advantage of selecting appropriate subcontracting entities, based on their qualifications to supply the desired products or services.

Claims 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Almstead and Scott as applied to claim 3 above, and further in view of official notice. As per claim 10, Scott teaches selecting at least one supplier to receive a bid request (paragraph 69), and official notice is taken that it is well known to use relevant data to make decisions. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to select the at least one supplier to receive the buyer–associated bid request using the buyer–associated bid request data, for the obvious advantage of selecting appropriate suppliers, based on their qualifications to supply the desired products or services.

As per claim 12, Scott teaches that choice of a supplier can depend on the

supplier's history (paragraph 70), and official notice is taken that it is well known to

maintain history information associated with suppliers. Hence, it would have been

obvious to one of ordinary skill in the art of electronic commerce at the time of

applicant's invention to maintain supplier information associated with the at least one

supplier, for the obvious and implied advantage of being able to judge the supplier by its

history; and to compare the buyer-associated bid request data with the supplier

information to select the at least one supplier, for the obvious advantage of selecting

appropriate suppliers, based on their qualifications to supply the desired products or

services.

Claims 15, 16, 17, 18, and 19 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Almstead and Scott as applied to claim 14 above, and further in view

of official notice. As per **claim 15**, Almstead makes it obvious to submit the purchase

requisition to the supplier for the purpose of acceptance; and as per **claim 16**, Almstead

makes it obvious to submit the parsed purchase requisition to the subcontracting entity

for the purpose of acceptance, as set forth above with regard to claim 14 (note

paragraph 3 of Almstead. Almstead does not disclose submitting requisitions for the

purpose of tax assessment, but official notice is taken that it is well known for suppliers

and subcontractors to have to pay taxes on requisitions (e.g., sales tax, corporate

income tax, personal income tax for unincorporated small businesses). Hence, it would

have been obvious to one of ordinary skill in the art of electronic commerce at the time

of applicant's invention to submit the purchase requisition and parsed purchase

requisition for the purpose of tax assessment, for at least the obvious advantage of

enabling suppliers and subcontractors to avoid fines and imprisonment for violating the

tax laws.

As per claim 17, Almstead does not expressly disclose receiving a completed

parsed purchase requisition from the subcontracting entity, but official notice is taken

that it is well known to receive completed purchase requisitions (purchase requisitions

can be "completed" in other senses; "completed" is taken here to mean acknowledged

by the entity from which the purchase is to be made). Hence, it would have been

obvious to one of ordinary skill in the art of electronic commerce at the time of

applicant's invention to receive a completed parsed purchase requisition from the

subcontracting entity, as an obvious consequence of a general contractor or other

supplier employing subcontractors, as per paragraph 3 of Almstead, and for the obvious

advantage of obtaining acknowledgement of purchase requisitions, assurance that

desired products or services will be provided, and documentation for record-keeping.

Almstead does not disclose generating a completed purchase requisition, but on

the same officially noticed fact, this would have been obvious to one of ordinary skill in

the art of electronic commerce at the time of applicant's invention, as an obvious

consequence of a general contractor or other supplier dealing with a buyer, as per

paragraph 3 of Almstead, and for the obvious advantage of obtaining acknowledgement

of purchase requisitions, assurance that desired products or services will be provided,

and documentation for record-keeping.

As per claim 18, it can be taken as inherent for the step of generating the completed purchase requisition to comprise aggregating at least <u>one</u> completed purchase requisition; note that claim 18 does not recite "more than one". Even reading into claim 18 a limitation which is not present, that multiple completed purchase requisitions are aggregated, official notice is taken that it is well known to aggregate multiple statements of expenditure, etc. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to aggregate multiple completed purchase requisitions, for at least the obvious advantage of providing an accounting including purchases from multiple subcontractors (as per paragraph 3 of Almstead).

As per claim 19, Almstead implies generating a buyer-associated purchase order to the supplier and generating a supplier-associated purchase order to the subcontracting entity (Abstract; paragraphs 34-35, and 71-77, and paragraph 3). Almstead does not disclose, responsive to a determination that the subcontracting entity may be paid directly by the buyer, generating a buyer-associated purchase order to the subcontracting entity, but official notice is taken that it is well known for subcontracting entities to be paid directly; hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to generate a buyer-associated purchase order to the subcontracting entity as recited in claim 19, for such obvious advantages as assuring subcontracting entities of being paid, and assuring the final buyer of the subcontracting entities being paid, avoiding such problems as a mechanic's lien.

Claims 21-26 and 30-40

Claims 21, 22, 23, 24, 25, 26, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, and 40 are

rejected under 35 U.S.C. 103(a) as being unpatentable over Almstead et al. (U.S.

Patent Application Publication 2004/0210490) in view of Scott et al. (U.S. Patent

Application Publication 2002/0198818) and official notice. As per claim 21, Almstead

discloses a computer system for facilitating a bid process for involving a buyer, a

supplier, and at least one subcontracting entity, the computer system comprising: a

database system (Figures 1 and 2; paragraphs 22-24); and a server connected to the

database system and connected to the buyer, the supplier, and at least one

subcontracting entity (Figures 1, 2, 4, and 5; paragraphs 22-24, 31, and 38), wherein

the server is operable to generate a buyer-associated bid request (Abstract; paragraph

33); transmit the buyer-associated bid request to the supplier (ibid.); generate a

supplier-associated bid request via parsing of the buyer-associated bid request

(Abstract; paragraphs 33-35, 71, 73-77, and 80-81, as well as 95-96); transmit the

supplier-associated bid request to the at least one subcontracting entity (Abstract;

paragraphs 33-35, 71, 73-77, and 80-81, as well as 95-96); receive a subcontracting

entity bid response to the supplier-associated bid request (paragraphs 40-43); and

receive a supplier bid response, the supplier bid response incorporating, at least in part,

data from the subcontracting entity bid response (paragraphs 8, 9, and 74). Insofar as

Almstead may not disclose that it is the server which performs the steps disclosed as

being performed, official notice is taken that it well known for communication between

clients to take place through a server. Hence, it would have been obvious to one of

ordinary skill in the art of electronic commerce at the time of applicant's invention for the

server to perform the generation and transmission, as an implied variant of Almstead's

invention, and for at least the obvious advantage of assuring that communication

between potential buyers and sellers takes place through the server of the bid manager,

assuring a commission or other fee.

Almstead does not disclose that the database maintains a configurable pre-

established bid item list and a bid template for the project, but Scott teaches generating

a request for quote utilizing a configurable pre-established bid item list and a bid

template, implying maintaining such a list (paragraphs 19, 20, and 42). Hence, it would

have been obvious to one of ordinary skill in the art of electronic commerce at the time

of applicant's invention for the database maintains a configurable pre-established bid

item list and a bid template for the project, for the stated advantage of efficiently

generating electronic requests for quotes.

As per claim 22, Almstead discloses receiving buyer-associated bid request data

from the buyer for the buyer-associated bid request (Abstract; paragraph 8). Almstead

does not disclose storing the buyer-associated bid request data within fields associated

with at least a portion of the bid item selections, but Scott teaches fields associated with

at least a portion of the bid item selections, and storing buyer-associated bid request

data in such fields (paragraphs 36-43). Hence, it would have been obvious to one of

ordinary skill in the art of electronic commerce at the time of applicant's invention to

store the buyer-associated bid request data within fields associated with at least a

portion of the bid item selections, for at least the obvious advantages of assisting in

creating or modifying a bid request, and making the bid request data conveniently available to suppliers.

As per claim 23, Almstead discloses receiving the supplier bid response (e.g., paragraph 74), but does not expressly disclose that the supplier bid response includes bid response data within fields associated with at least a portion of the bid item selections utilized in the buyer-associated bid request. However, Almstead does disclose bid response data associated with at least a portion of bid item data in the buyer's bid request (e.g., paragraphs 9 and 74), and Scott teaches fields, as set forth with regard to claim 22 above, making it obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to include the bid response data within associated fields, for at least the obvious advantage of making the relevant bid response data easy to locate.

As per claim 24, Almstead discloses receiving the subcontracting-entity bid response, wherein subcontracting-entity bid responses area associated with at least a portion of the bid item selections from the bid request (paragraphs 40-43) and Scott teaches fields, as set forth with regard to claim 22 above, making it obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to include the bid response data within associated fields, for at least the obvious advantage of making the relevant bid response data easy to locate.

As per claim 25, Almstead discloses transmitting the supplier bid response to the buyer (paragraphs 38, 64, 73, 74, and 88).

As per claim 26, Almstead discloses transmitting the subcontracting entity bid response to the supplier (paragraphs 38, 64, 73, 74, and 88).

As per claim 30, Scott teaches selecting at least one supplier to receive a bid request (paragraph 69), and official notice is taken that it is well known to use relevant data to make decisions. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to select the at least one supplier to receive the buyer–associated bid request using the buyer–associated bid request data, for the obvious advantage of selecting appropriate suppliers, based on their qualifications to supply the desired products or services.

As per claim 31, Scott teaches selecting at least one entity to receive a bid request (paragraph 69), and official notice is taken that it is well known to use relevant data to make decisions. E.g., if the buyer-associated bid request data included a requirement for plumbing work, it would have been obvious to a general contractor to select plumbing subcontractors; and if buyer-associated bid request data included a requirement for electrical work, it would have been obvious to a general contractor to select electrician subcontractors. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to select the at least one subcontracting entity to receive the supplier–associated bid request using the supplier–associated bid request data, for the obvious advantage of selecting appropriate subcontracting entities, based on their qualifications to supply the desired products or services.

As per claim 32, Scott teaches that choice of a supplier can depend on the supplier's history (paragraph 70), and official notice is taken that it is well known to maintain history information associated with suppliers. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to maintain supplier information associated with the at least one supplier, for the obvious and implied advantage of being able to judge the supplier by its history; and to compare the buyer-associated bid request data with the supplier information to select the at least one supplier, for the obvious advantage of selecting appropriate suppliers, based on their qualifications to supply the desired products or services.

As per claim 33, Scott teaches that choice of a supplier can depend on the supplier's history (paragraph 70), and official notice is taken that it is well known to maintain history information associated with entities. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to maintain subcontracting-entity information associated with the at least one subcontracting entity, for the obvious and implied advantage of being able to judge the entity by its history; and to compare the supplier-associated bid request data with the subcontracting-entity information to select the at least one subcontracting entity, for the obvious advantage of selecting appropriate subcontracting entities, based on their qualifications to supply the desired products or services.

As per claim 34, Almstead discloses receiving the subcontracting-entity bid response (paragraphs 40-43); and receiving the supplier bid response (paragraphs 40-

43); this implies receiving a supplier bid award and transmitting a purchase requisition

to the supplier, then transmitting a parsed purchase requisition to the subcontracting

entity, wherein the parsed purchase requisition is a subset of the purchase requisition,

for the obvious advantage of enabling a general contractor or similar entity to receive a

contractor, and select and make arrangements for subcontractors to complete their

parts of the work, as set forth by Almstead (paragraph 3).

As per **claim 35**, Almstead makes it obvious to submit the purchase requisition to

the supplier for the purpose of acceptance; and as per **claim 36**, Almstead makes it

obvious to submit the parsed purchase requisition to the subcontracting entity for the

purpose of acceptance, as set forth above with regard to claim 14 (note paragraph 3 of

Almstead. Almstead does not disclose submitting requisitions for the purpose of tax

assessment, but official notice is taken that it is well known for suppliers and

subcontractors to have to pay taxes on requisitions (e.g., sales tax, corporate income

tax, personal income tax for unincorporated small businesses). Hence, it would have

been obvious to one of ordinary skill in the art of electronic commerce at the time of

applicant's invention to submit the purchase requisition and parsed purchase requisition

for the purpose of tax assessment, for at least the obvious advantage of enabling

suppliers and subcontractors to avoid fines and imprisonment for violating the tax laws.

As per claim 37, Almstead does not expressly disclose receiving a completed

parsed purchase requisition from the subcontracting entity, but official notice is taken

that it is well known to receive completed purchase requisitions (purchase requisitions

can be "completed" in other senses; "completed" is taken here to mean acknowledged

by the entity from which the purchase is to be made). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to receive a completed parsed purchase requisition from the subcontracting entity, as an obvious consequence of a general contractor or other supplier employing subcontractors, as per paragraph 3 of Almstead, and for the obvious advantage of obtaining acknowledgement of purchase requisitions, assurance that desired products or services will be provided, and documentation for record-keeping.

As per claim 38, it can be taken as inherent for the step of generating the completed purchase requisition to comprise aggregating at least one completed purchase requisition; note that claim 38 does not recite "more than one". Even reading into claim 38 a limitation which is not present, that multiple completed purchase requisitions are aggregated, official notice is taken that it is well known to aggregate multiple statements of expenditure, etc. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to aggregate multiple completed purchase requisitions, for at least the obvious advantage of providing an accounting including purchases from multiple subcontractors (as per paragraph 3 of Almstead).

As per claim 39, Almstead implies generating a buyer-associated purchase order to the supplier and generating a supplier-associated purchase order to the subcontracting entity (Abstract; paragraphs 34-35, and 71-77, and paragraph 3). Almstead does not disclose, responsive to a determination that the subcontracting entity may be paid directly by the buyer, generating a buyer-associated purchase order to the

subcontracting entity, but official notice is taken that it is well known for subcontracting entities to be paid directly; hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to generate a buyer-associated purchase order to the subcontracting entity as recited in claim 19, for such obvious advantages as assuring subcontracting entities of being paid, and assuring the final buyer of the subcontracting entities being paid, avoiding such problems as a mechanic's lien.

As per claim 40, Almstead discloses receiving supplier-associated bid request data from the supplier for the supplier-associated bid request, wherein the supplier-associated bid request data is selected from the buyer-associated bid request data (Abstract; paragraphs 34-35, and 71-77). Almstead does not expressly disclose storing the supplier-associated bid request data within fields associated with at least a portion of the bid item selections utilized in the buyer-associated bid request, but Scott teaches fields, as set forth with regard to claim 2 above, making it obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to store the bid request data within associated fields, for at least the obvious advantage of making the relevant bid request data easy to locate.

Claims 41-46 and 50-60

Claims 41, 42, 43, 44, and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Almstead et al. (U.S. Patent Application Publication 2004/0210490) in view of Scott et al. (U.S. Patent Application Publication 2002/0198818). Claims 41, 42, 43, 44, and 54 are closely parallel to claims 1, 2, 3, 4, and 14, respectively, and

rejected on the grounds set forth above for claims 1, 2, 3, 4, and 14. Almstead

discloses a computer readable medium having computer-executable instructions

providing for the computer system to carry out its functions (paragraph 24).

Claims 45, 46, 51, 53, and 60 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Almstead and Scott as applied to claim 44 above, and further in view

of official notice. Claims 45, 46, 51, 53, and 60 are closely parallel to claims 5, 6, 11,

13, and 20, respectively, and rejected on the grounds set forth above for claims 5, 6, 11,

13, and 20.

Claims 50 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Almstead and Scott as applied to claim 43 above, and further in view of official

notice. Claims 50 and 52 are closely parallel to claims 10 and 12, respectively, and

rejected on the grounds set forth above for claims 10 and 12.

Claims 55, 56, 57, 58, and 59 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Almstead and Scott as applied to claim 54 above, and further in view

of official notice. Claims 55, 56, 57, 58, and 59 are closely parallel to claims 15, 16, 17,

18, and 19, respectively, and rejected on the grounds set forth above for claims 15, 16,

17, 18, and 19.

Claims 61-72

Claims 61 and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Almstead et al. (U.S. Patent Application Publication 2004/0210490) in view of

Cornelius (U.S. Patent Application Publication 2003/010112). As per claim 61,

Almstead discloses a method of facilitating a project bid process, the method

comprising: transmitting a buyer-associated bid request to a supplier (Abstract;

paragraph 33); transmitting, to a subcontracting entity, of a daisy chain quotation

associated with the buyer bid request (Abstract; paragraphs 33-35, 71, 74-77, and 80-

81); receiving a completed daisy chain quotation from the subcontracting entity, the

completed daisy chain quotation comprising completed applicable daisy chain quotation

items of the daisy chain quotation transmitted to the subcontracting entity (paragraphs

40-43); updating a supplier bid response to the buyer-associated bid request using at

least some of the completed applicable daisy chain quotation items, and transmitting the

updated supplier bid response to the buyer (paragraphs 40-43). [Note: it is considered

updating to incorporate at least some of the completed daisy chain quotation items in a

bid response which is sent to the buyer; claim 61 differs from claims 1-4 in combination

with 7 (see statement of allowable subject matter below) in that there is no recitation of

an existing supplier bid response, etc., to be updated.]

Almstead does not expressly disclose receiving an enablement request relative

to a subcontracting entity, and receiving an affiliation request relative to a primary

supplier, the affiliation request requesting that the subcontracting entity be affiliated with

the primary supplier, but Cornelius teaches users, including subcontractors, submitting

enablement and affiliation requests, which are received, registering the subcontractors

and other users (paragraphs 30-33). Almstead discloses subcontracting entities

affiliated with primary suppliers, to receive appropriate bid requests (Figure 4 and 5;

paragraphs 31-35 and 40-43). Hence, it would have been obvious to one of ordinary

skill in the art of electronic commerce at the time of applicant's invention to receive such

enablement and affiliation requests, for the obvious advantages of bringing into

existence the hierarchy of users disclosed in Almstead, and obtaining address and

profile information on the users, as taught in Cornelius.

As per claim 62, Almstead does not expressly disclose and set forth the steps of

transmitting a buyer award to the supplier; transmitting a purchase requisition to the

supplier a purchase; parsing the purchase requisition; and transmitting the purchase

requisition to the subcontracting entity. However, given Almstead's disclosed purpose

and procedure of managing bids, it is implied that a supplier (or suppliers) would be

selected, so that an award and purchase requisition would be transmitted to the

supplier, and the supplier would parse the purchase requisition and transmit the parsed

purchase requisition to subcontracting entity(ies), to arrange for a particular scope of

work to be performed, and to make arrangements for subcontractors to complete their

parts of the work, as set forth by Almstead (paragraph 3)

Claims 63, 64, 65, 66, 67, 68, 69, 70, 71, and 72 are rejected under 35

U.S.C. 103(a) as being unpatentable over Almstead and Cornelius as applied to claim

62 above, and further in view of official notice. As per claim 63, Almstead does not

expressly disclose receiving a completed parsed purchase requisition from the

subcontracting entity, but official notice is taken that it is well known to receive

completed purchase requisitions (purchase requisitions can be "completed" in other

senses; "completed" is taken here to mean acknowledged by the entity from which the

purchase is to be made). Hence, it would have been obvious to one of ordinary skill in

the art of electronic commerce at the time of applicant's invention to receive a

completed parsed purchase requisition from the subcontracting entity, as an obvious

consequence of a general contractor or other supplier employing subcontractors, as per

paragraph 3 of Almstead, and for the obvious advantage of obtaining acknowledgement

of purchase requisitions, assurance that desired products or services will be provided,

and documentation for record-keeping.

It can be taken as inherent for the step of generating the completed purchase

requisition to comprise aggregating at least <u>one</u> completed purchase requisition; note

that claim 63 does not recite "more than one" completed purchase requisition, or state

with what the purchase requisition is aggregated. Even reading into claim 63 a

limitation which is not present, that multiple completed purchase requisitions are

aggregated, official notice is taken that it is well known to aggregate multiple statements

of expenditure, etc. Hence, it would have been obvious to one of ordinary skill in the art

of electronic commerce at the time of applicant's invention to aggregate multiple

completed purchase requisitions, for at least the obvious advantage of providing an

accounting including purchases from multiple subcontractors (as per paragraph 3 of

Almstead).

Likewise, it would have been obvious to transmit a purchase order to at least one

of the supplier and the subcontracting entity, for at least the obvious advantage of

causing purchase of the desired products or services, and thus causing the work to be

done (as per paragraph 3 of Almstead).

As per claim 64, Almstead implies generating a buyer-associated purchase order

to the supplier and generating a supplier-associated purchase order to the

subcontracting entity (Abstract; paragraphs 34-35, and 71-77, and paragraph 3).

Almstead does not disclose determining whether the subcontracting entity may be paid

directly by the buyer, and responsive to a determination that the subcontracting entity

may be paid directly by the buyer, transmitting a purchase order to the supplier, parsing

the transmitted purchase order to segment purchase order details relative to the

subcontracting entity, and transmitting a parsed purchase order to the subcontracting

entity, but official notice is taken that it is well known for subcontracting entities to be

paid directly, and to parse orders to divide them appropriately; hence, it would have

been obvious to one of ordinary skill in the art of electronic commerce at the time of

applicant's invention to transmit a purchase order to the supplier, and thence, after

parsing, to the subcontracting entity as recited in claim 64, for such obvious advantages

as assuring subcontracting entities of being paid the amounts due to them, and assuring

the final buyer of the subcontracting entities being paid, avoiding such problems as a

mechanic's lien.

As per claim 65, Almstead implies generating a buyer-associated purchase order

to the supplier and generating a supplier-associated purchase order to the

subcontracting entity (Abstract; paragraphs 34-35, and 71-77, and paragraph 3).

Almstead does not disclose determining whether the subcontracting entity may be paid

directly by the buyer, and responsive to a determination that the subcontracting entity

may not be paid directly by the buyer, transmitting a purchase order to the supplier, but

official notice is taken that it is well known for general contractors to pay subcontractors;

hence, it would have been obvious to one of ordinary skill in the art of electronic

commerce at the time of applicant's invention to transmit a purchase order to the

supplier, for the obvious advantage of paying the supplier, and letting the supplier pay

subcontractors.

As per claims 66-72, Almstead does not disclose transmitting vouchers and

invoices, but official notice is taken that it is well known for sellers to submit vouchers to

buyers, for buyers to approve them, and to send invoices to buyers. Hence, it would

have been obvious to one of ordinary skill in the art of electronic commerce at the time

of applicant's invention to transmit vouchers, receive approvals, and transmit invoices

as particularly set out in claims 66-72, for the obvious advantage of arranging for

suppliers and subcontractors to be paid for their goods and/or services.

Claims 73-84

Claims 73 and 74 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Almstead et al. (U.S. Patent Application Publication 2004/0210490) in view of

Cornelius (U.S. Patent Application Publication 2003/010112). Claims 73 and 74 are

parallel to claims 61 and 62, respectively, and rejected on the grounds set forth above

for claims 61 and 62. Further, Almstead discloses a computer readable medium having

computer-executable instructions providing for the computer system to carry out its

functions (paragraph 24).

Claims 75, 76, 77, 78, 79, 80, 81, 82, 83, and 84 are rejected under 35

U.S.C. 103(a) as being unpatentable over Almstead and Cornelius as applied to claim

73 above, and further in view of official notice. Claims 75, 76, 77, 78, 79, 80, 81, 82, 83,

and 84 are parallel to claims 63, 64, 65, 66, 67, 68, 69, 70, 71, and 72, respectively, and

rejected on the grounds set forth above for claims 63, 64, 65, 66, 67, 68, 69, 70, 71, and

72.

Claims 85-95

Claims 85 and 86 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Almstead et al. (U.S. Patent Application Publication 2004/0210490) in view of

Cornelius (U.S. Patent Application Publication 2003/010112). Claims 85 and 86 are

parallel to claims 61 and 62, respectively, and rejected essentially on the grounds set

forth above for claims 61 and 62. Further, Almstead discloses a computer system for

managing a project bid process, the computer system comprising: a database system

(Figures 1 and 2; paragraphs 22-24); and a server connected to the database system

(Figures 1, 2, 4, and 5; paragraphs 22-24, 31, and 38).

Claims 87, 88, 89, 90, 91, 92, 93, 94, and 95 are rejected under 35 U.S.C. 103(a)

as being unpatentable over Almstead and Cornelius as applied to claim 86 above, and

further in view of official notice. Claims 87, 88, 89, 90, 91, 92, 93, 94, and 95 are

parallel to claims 63, 64, 65, 66, 67, 68, 69, 70, and 71, respectively, and rejected on

the grounds set forth above for claims 63, 64, 65, 66, 67, 68, 69, 70, and 71.

Allowable Subject Matter

Claims 7-9 are objected to as being dependent upon a rejected base claim, but

would be allowable if rewritten in independent form including all of the limitations of the

base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The closest prior art of record, Almstead et al. (U.S. Patent Application Publication 2004/0210490), discloses various elements of claims 1-4, while others are obvious in view of Scott et al. (U.S. Patent Application Publication 2002/0198818), as set forth above. Almstead discloses receiving subcontracting-entity bid responses, which implies acceptance of such subcontracting-entity bid responses, and Almstead discloses receiving a selection of at least a portion of the bid response data included in the subcontracting-entity bid response (paragraphs 40-43) However, neither Almstead nor any other prior art of record discloses updating the supplier bid response with the selected at least a portion of the bid response data included in the subcontracting-entity bid response. It is known to update information in general based on receiving new communications, but claims 1-4 recite receiving the supplier bid response and further receiving the subcontracting-entity bid response. Almstead discloses receiving the subcontracting-entity bid response and on that basis completing the supplier (e.g., general contractor) bid response, so there is no updating the supplier bid response after receiving the subcontracting-entity bid response. Thus, Almstead teaches away from incorporating the limitations of claim 7 after already incorporating those of claims 1-4.

Claims 27-29 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 27-29 are parallel to claims 7-9, and potentially allowable on the same grounds.

Claims 47-49 would be allowable if rewritten to overcome the rejection(s) under

35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the

limitations of the base claim and any intervening claims.

Claims 47-49 are parallel to claims 7-9, and potentially allowable on the same

grounds.

Statement Regarding IDS's

In the Information Disclosure Statement of August 16, 2004, "US-63569909," to

Spencer, is an error; Examiner has considered Spencer, U.S. Patent 6,356,909. In the

same Information Disclosure Statement, "www.marekting.ebreviate.com" is an error, so

Examiner has not initialed it; in the Information Disclosure Statement of September 2,

2004, this is given correctly as "www.marketing.ebreviate.com". (Note spellings of

"marketing/marekting".)

In the Information Disclosure Statement of March 6, 2005, Cullen 11/351835 and

11/354367 are not the numbers of patents of published patent applications; therefore,

Examiner did not initial them, but makes them of record as non-patent literature.

Likewise with Cullen 11/885090 in the Information Disclosure Statement of November

23, 2007.

Conclusion

The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure. Wares (U.S. Patent Application Publication 2001/0044768)

discloses an e-commerce bid and project management system and method for the

construction industry. Tiburcio (U.S. Patent Application Publication 2002/0087382)

discloses a method and system for assigning and tracking tasks, such as under

electronic auction. Coffman et al. (U.S. Patent Application Publication 2004/0215467)

disclose a method and system for electronic document handling, such as for requests

for quotation under an electronic auction.

De Gheest (WO 00/50970) discloses methods and apparatuses for electronic

bidding systems.

Dysart ("The Data Exchange") discloses sending purchase orders and requests

for quotes to vendors. The anonymous article, "PRIMAVERA SYSTEMS: Primavera,

PurchasePro.com Create E-Commerce Marketplace for Construction Industry,"

discloses an e-commerce marketplace for construction companies, subcontractors, etc.

Rawdon ("Online Bidding Options May Be Web's Best Secret") discloses a website for

enabling contractors, subcontractors, and other vendors to view project documents

online and bid at their convenience.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Nicholas D. Rosen, whose telephone number is 571-

272-6762. The examiner can normally be reached on 8:30 AM - 5:00 PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jeffrey A. Smith, can be reached on 571-272-6763. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Non-official/draft communications can be faxed to the examiner at 571-273-6762.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nicholas D. Rosen/
Primary Examiner, Art Unit 3625
August 6, 2008